

IN THE CLAIMS

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Please cancel claims 25, 29, and 36.

Please amend claims 24, 27, 28, 31-34, and 37-39 as follows:

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24. (amended) An isolated polynucleotide comprising: a) a nucleotide sequence that encodes an Mlo homolog polypeptide having a sequence identity of at least 90%, based on the Clustal method of alignment, when compared to a polypeptide of SEQ ID NO:32; or b) a complement of the nucleotide sequence, wherein the complement and the nucleotide sequence have the same number of nucleotides and are 100% complementary.

27. (amended) The polynucleotide of Claim 24 wherein the amino acid sequence of the polypeptide comprises SEQ ID NO:32.

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28. (amended) The polynucleotide of Claim 24, wherein the polynucleotide comprises SEQ ID No:31.

31. (amended) A cell comprising the recombinant DNA construct of Claim 37.

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32. (amended) The cell of Claim 31, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.

33. (amended) A transgenic plant comprising the recombinant DNA construct of Claim 37.

37. (amended) A recombinant DNA construct comprising the polynucleotide of Claim 24 operably linked to at least one regulatory sequence.

38. (amended) The recombinant DNA construct of Claim 37, wherein the recombinant DNA construct is an expression vector.

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39. (amended) A method for altering the level of expression of an Mlo homolog polypeptide in a host cell, the method comprising:

a) transforming a host cell with the recombinant DNA construct of Claim 37; and

b) growing the transformed cell of step (a) under conditions suitable for the expression of the recombinant DNA construct wherein expression of the recombinant DNA construct results in production of altered levels of the Mlo homolog in the transformed host cell.

Remarks

Applicants hereby elect, without traverse, the subject matter of Group I, namely, claims 24-35 and 37-39. Applicants also elect without traverse the invention of Group P, the wheat nucleotide sequence of SEQ ID NO:31 encoding the Mlo homolog of SEQ ID NO:32.